THE HON'BLE MR JUSTICE V.V.S.RAO

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WRIT PETITION No.27827 of 2005

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Dated:04.01.2006

Between:

G. Lingamma W/o G. Anjaneyulu
R/o D. NO. 1/928/72, Rama Chandra Nagar, Near Railway Gate,

Anantapur, Anantapur District.

..... PETITIONERS

AND

The Commissioner, Municipal Corporation, Anantapur district

.....RESPONDENTS

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ORDER:

The two petitioners claim to belong to weaker sections. They appear to have occupied a piece of land in Jhansi Nagar Colony, near Railway Track, Rama Chandra Nagar, Anantapur, and were living there. They allegedly obtained electricity connection and were paying municipal taxes. They allege that the Railway authorities instigated the municipal authorities to demolish the structures. When there was an agitation by the residents, the Mandal Revenue Officer sent a letter dated 21.07.2005 to conduct an enquiry into the matter as to whether the land occupied by the petitioners and others is a municipal land or not. According to the petitioners, the matter is still pending. In the meanwhile, the respondents evicted the petitioners without providing any alternative site. This is assailed in the writ petition seeking a writ of mandamus directing the respondents not to interfere with the possession and enjoyment of the petitioners, and alternatively a direction to the respondents to provide alternative sites to them.

At the stage of admission itself, the learned Standing Counsel for Railways submits

that in May 2005 a survey was conducted by the Railway authorities. At that stage, many of the encroachers voluntarily vacated the premises, and insofar as those who are still squatting on the land, the Railways have initiated action under the provisions of the Public Premises (Eviction of Unauthorised Occupants) Act, 1971, and notices were already issued. The learned Standing Counsel for the Anantapur Municipal Corporation submits that the land, which is in possession of the petitioners, is not a municipal land, and that the same is recorded in the revenue records as Railway Poramboke land. He also submits that in response to the letter of the Mandal Revenue Officer, dated 21.07.2005, the Municipal Corporation conducted enquiry and submitted a report to the effect that the land in question is not a municipal land.

In view of the submissions made by the learned Counsel, it becomes clear that many of the people occupying the railway land were already evicted. Indeed, this is not seriously disputed. Further, the learned Counsel for the petitioners prays this Court to give a direction to the second respondent to provide alternative sites to enable the petitioners to raise huts. Therefore, the petitioners are given liberty to approach the second respondent by making applications for allotment of house sites. As and when such applications are made, the second respondent shall consider the same, and if it is found that the petitioners are eligible for allotment of house sites, they may be provided house sites, subject to the availability of land in his jurisdiction.

The Writ Petition, with the above observations, is disposed of. No costs.

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(V.V.S.RAO, J)

04.01.2006

vs